



# Hitchcock County Board Minutes



Hitchcock County Board of Commissioners

Trenton, Nebraska

August 4, 2014

A meeting of the County Board of Commissioners of Hitchcock County, Nebraska was held at the Hitchcock County Courthouse Commissioner's Room, 229 East D Street, Trenton, Nebraska on Monday, the 4<sup>th</sup> day of July, 2014 commencing at 9:00 o'clock a.m. Present were Chair Scott McDonald, Commissioners Paul Nichols and Ron Wertz and Deputy County Clerk Linda Kerchal. Notice of the meeting was given in advance thereof by publication in the Hitchcock County News, the designated method for giving notice. Board agendas are posted on the County's website [www.hitchcockcounty.ne.gov](http://www.hitchcockcounty.ne.gov). Notice of the meeting was given to the Chair and all members of the Board. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. The Meetings Act was available for review and Chair indicated the location of such copy in the room where the meeting was being held.

Chair McDonald called the meeting to order at 9:00 a.m. and publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held.

Member Nichols moved to approve the consent calendar consisting of the following items: 1. Approval of August 4<sup>th</sup>, 2014 agenda; 2. Approval of the July 21<sup>st</sup>, 2014 meeting minutes. Member McDonald seconded the motion and after consideration the following members voted in favor of said motion: McDonald, Nichols and Wertz. Motion carried.

Member Wertz moved to approve the following claims. Member Nichols seconded the motion and after consideration the following members voted in favor of said motion: McDonald, Nichols and Wertz. Motion carried.

## GENERAL FUND:

General Fund Payroll -----	\$ 6,072.86
American Institutional Supply Co., jail supply -----	\$ 303.02
Planning Comm. 7-22 meeting -----	\$ 99.64
Capital Business Systems, copies & usage charge -----	\$ 188.54
D&S Hardware, supply/repair -----	\$ 198.93
Dawson Co. Sheriff, service fees -----	\$ 27.00
Dell Marketing, supply -----	\$ 151.99
Dept. of Pathology Saint Louis, coroner fees -----	\$ 125.00
Dultmeier Sales, repair -----	\$ 14.77
Eisenhart & Farquhar, ct. appt. atty. -----	\$ 487.76
Farmers State Bank, FICA/OASI/Fed. -----	\$ 1,818.28
LaRue Dist., supply -----	\$ 244.56
MIPS, Inc., data process. -----	\$ 131.88
Darin Morgan, zoning admin. -----	\$ 940.50
NACO, registration -----	\$ 200.00
NE Dept. Rev., state tax -----	\$ 194.50
Valerie Paschall, clerical -----	\$ 196.00
Red Willow Co. Treas., Dist. Judge costs -----	\$ 458.69
Region 15 Emerg. Mngt., ¼ billing on contract -----	\$ 4,629.75
Retirement Plans Division Ameritas, retirement -----	\$ 881.86



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Andrea Richard, plann. comm. Secretary -----	\$ 116.50
Scoop Media, LLC, publications -----	\$ 1,008.26
SW Public Power, utility -----	\$ 40.84
Ashley K. Spahn, ct. appt. atty. -----	\$ 756.16
T&J Repair, repair -----	\$ 12.50
Top Office Products, supply/lease/equip.-----	\$ 1,578.00
US Pharmacy, inmate meds. -----	\$ 17.49
Verizon Wireless, service -----	\$ 301.39
Volz, Inc., supply -----	\$ 351.60
Walmart, same -----	\$ 483.45
Ryan R. Wilcox, public defender -----	\$ 2,000.00

## ROAD FUND:

Road Fund Payroll -----	\$ 9,560.80
Brad's Sand & Gravel, gravel -----	\$ 323.19
Cross Dillon Tire Lincoln, tires -----	\$ 1,990.00
Dan's R US Sanitation, service -----	\$ 27.75
Farmers State Bank, FICA/OASI/Fed. -----	\$ 2,465.18
J.A. Automotive & Repair, repair -----	\$ 103.98
Lakeside Sand & Gravel, gravel -----	\$ 2,187.50
Medical Enterprises, DOT testing -----	\$ 36.00
Mentzer Oil Co., fuel -----	\$ 3,715.24
Miller & Assoc., line locate -----	\$ 195.00
NE Dept. Rev., state tax -----	\$ 262.92
Retirement Plans Division Ameritas, retirement -----	\$ 1,149.68
Richards Gravel Pit, gravel -----	\$ 6,944.50
David Schutz, reimb. equip. repair -----	\$ 31.42
SW Public Power, utility -----	\$ 26.00
Titan Machinery, repair -----	\$ 1,422.67
Village of Stratton, utility -----	\$ 87.39
Walmart, supply -----	\$ 21.94
Western Tire, tires/repair -----	\$ 1,472.40
Woods & Aitken, legal fees -----	\$ 546.00

## S.T.O.P. PROGRAM FUND:

Top Office Products, equip. -----	\$ 1,106.44
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Deputy Clerk Irene Felker joined the meeting.

Board was in receipt of two (2) Applications to Occupy County Road Right of Way, filed by Berexco, LLC for underground electric lines. Discussion was held on the same.

Member McDonald moved to approve and direct Chair to execute the Application To Occupy County Road Right of Way filed by Berexco, LLC for an underground electric line to be located in Sections 1 to 12, Township 1 North, Range 33 West, East of Hwy 25,  $\frac{3}{4}$  of a mile on Road 707. Member Nichols seconded the motion and after consideration the following members voted in favor of said motion: Nichols, McDonald and Wertz. Motion carried.



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Member Wertz moved to approve and direct Chair to execute the Application To Occupy County Road Right of Way filed by Berexco, LLC for an underground electric line to be located in Sections 33 and 34, Township 2 North, Range 34 West at the intersection of Road 709 and Road 357, 8/10ths of a mile south. Member Nichols seconded the motion and after consideration the following members voted in favor of said motion: McDonald, Nichols and Wertz. Motion carried.

Board acknowledged receipt of the recommendation of the Hitchcock County Planning Commission on the Application for Conditional Use submitted by Pinpoint Wireless, Inc. to construct a self-supporting 195' communications tower with 50'x50' fenced area with a 6' chain link fence with a 10'x20' building and stand-by generator located in the South Quarter of the West Half (S¼W½) of Section 1, Township 2 North, Range 35 West, Hitchcock County, Nebraska.

Chair McDonald opened the public hearing at 10:03 a.m. this date as published for the conditional use filed by Pinpoint Wireless, Inc. Applicant Pinpoint Wireless, Inc. by Duane Voss present. Discussion was held.

Chair McDonald asked for comments from anyone else in favor of granting the conditional use as requested in the application. There were none. Chair McDonald asked for comments from anyone in opposition of granting the conditional use. There were none. Chair McDonald asked for comments from anyone representing a neutral position. Attorney Garner explained the conditions set forth in the recommendation from the Planning Commission. There were no other comments.

Chair closed public hearing at 10:09 a.m. this date.

Member Wertz offered Resolution #14-19 and moved for its' adoption. Member Nichols seconded the motion and after consideration the roll was called thereupon and the following members voted in favor of the motion: Wertz, McDonald and Nichols. Said resolution having been consented to by a majority of all members elected to said County Board, was by the Chair declared passed and adopted. A true, correct and complete copy of said resolution is as follows:

## **RESOLUTION #14-19**

**WHEREAS**, the Hitchcock County Board of Commissioners having held a public meeting on August 4<sup>th</sup>, 2014, for the purpose of reviewing the Application for Conditional Use submitted by Pinpoint Wireless, Inc. to construct a self-supporting 195' communications tower with 50'x50' fenced area with a 6' chain link fence with a 10'x20' building and stand by generator located in the South Quarter of the West Half (S¼W½) of Section 1, Township 2 North, Range 25 West, Hitchcock County, Nebraska, and after review and research of said application, to act to approve or disapprove of the same; and

**WHEREAS**, the Hitchcock County Board of Commissioners having held a public hearing on August 4<sup>th</sup>, 2014, for the purpose of hearing said application and for hearing comments thereon from the public in attendance and to receive evidence in relation thereto; and

**WHEREAS**, the Notice of said Public Hearing was published in the *Hitchcock County News* on July 24<sup>th</sup>, 2014; and

**WHEREAS**, a copy of the notice of said Public Hearing was duly mailed on June 20<sup>th</sup>, 2014 by U.S. Mail, proper first class postage prepaid, to all adjacent landowners as evidenced by the Certificate of Service on file in the office of the Hitchcock County Clerk; and



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**WHEREAS** the Hitchcock County Board of Commissioners have received the recommendation of the Hitchcock County Planning Commission recommending approval of said application; and

**WHEREAS** the Hitchcock County Board of Commissioners, having found that the requested conditional use of said land is consistent with the *Hitchcock County Comprehensive Plan*, is permitted as a conditional use in the AG-G General Agriculture District pursuant to Section 501.06(3) on the following conditions, to wit:

**CONDITION(S):**

1. Said tower shall comply with any applicable airport hazard height limitations and shall be setback from the right-of-way of any public roadway, from the nearest property line of any undeveloped lot of record of less than 20 acres in area or any public use area and from the nearest wall of any neighboring church, school, or residential dwelling unit by a distance equal to or exceeding the height of said tower;
2. The technology used to provide service to the customers shall be in the lower D block in the 1900 MHZ spectrum range;
3. The applicant shall exercise and take all reasonable necessary steps to insure that there is no interference for adjoining residential landowners and to correct any interference if it occurs; and
4. Refer to *Staff Report* dated July 21, 2014, submitted by Darin Morgan, Hitchcock County Zoning Administrator, attached hereto as Exhibit A and incorporated herein by this reference.

**EXCEPTION(S):** None

**NOW, THEREFORE, BE IT RESOLVED** that the Conditional Use Application of Pinpoint Wireless, Inc. to construct a self-supporting 195' communications tower with 50'x50' fenced area with a 6' chain link fence with a 10'x20' building and stand by generator located in the South Quarter of the West Half (S¼W½) of Section 1, Township 2 North, Range 25 West, Hitchcock County, Nebraska, the conditions and exceptions, if any, set forth hereinbefore be approved.

**PASSED AND APPROVED THIS 4<sup>th</sup> day of August, 2014.**

**ATTEST:**

\_\_\_\_\_  
Scott McDonald, Chair

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Irene Felker, Deputy County Clerk

SEAL

**VOTING FOR THE MOTION:** Wertz, Nichols and McDonald

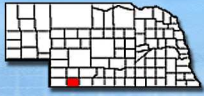
**VOTING AGAINST THE MOTION:** None

**ABSTAINING:** None

**ABSENT:** None

The following inventories were acknowledged by the board: County Owned Real Estate, Board of Commissioners, Veteran's Service Officer, Sheriff and Jail, County Court, District Court, Clerk, District Judge.

Discussion was had upon the written request received from Erma Adams asking that the balance due on the housing rehab loan on Lot 21, Original Culbertson be forgiven. Attorney Garner advised that he has requested additional information in relation to this request so that he can advise the Board regarding the request at the August 18 meeting.



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Custodian Wertz joined the meeting. Discussion was had upon the status of the courthouse sidewalk and parking lot project. Discussion was also had regarding repairing curb and gutter on northeast corner of block. Custodian Wertz will contact Village regarding street drainage issues at that location.

The Treasurer was in receipt of \$21.00 from Qwest Corp. and \$1.00 from Vonnage Tax Account for 911 Surcharges, credited to the 911 Emergency Services Fund; \$130.15 from Central Crude for oil production, credited to the General Fund; \$7.10 from Manuel Corp. for annual delay rental, credited to the Road Fund.

Member Nichols moved to adjourn and to meet for the next regular meeting on Monday, August 18<sup>th</sup>, at 9:00 a.m. Member McDonald seconded the motion and the roll was called with the following members voting in favor of said motion: Nichols, Wertz and McDonald. Motion carried.

ATTEST:

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Scott McDonald, Chair  
Hitchcock County Board of Commissioners

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Irene Felker, Deputy County Clerk